

REMARKS

Upon entry of the present amendment, claims 35 and 44 will have been amended to clarify the features of Applicant's invention without narrowing the scope of the claims and without further limiting the claims.

In view of the herein-contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

In the Advisory Action of August 1, 2007, the Examiner indicated that Applicant's remarks and amendment of the specification have resulted in the withdrawal of the rejection of claims 35, 36, 44, 47 through 50, 54 and 56 under 35 USC 112, first paragraph.

Applicant respectfully thanks the Examiner for his consideration of the arguments regarding the 35 USC 112, first paragraph rejection and its withdrawal.

However, the Examiner did not withdraw the rejection of the above noted claims under 35 USC 102 (b) as anticipated by MATSUNAI (U.S. Patent No. 5, 357, 350). Applicant accordingly respectfully traverses the above rejection and submits that it is inappropriate and improper. In particular, Applicant respectfully submits that the disclosure of the cited reference is inadequate to anticipate or even to render patentable the combinations of the features recited in each of independent claims 35 and 44.

In amplifying on the reasons why the Examiner was not convinced by Applicant's remarks regarding the prior art rejection of the pending claims, the Examiner asserted that the display capacity of the display section of the prior art reference is not the same at all times. In this regard, the Examiner made reference to figure 4 step 5 as well as the size of the display seen

in figure 2a. However, Applicant respectfully submits that the Examiner's analysis is incorrect. While step 6 of figure 4 does indicate that the threshold number of digits is 5, the capacity of the display area in figure 2 a appears to be three digits. In other words, and contrary to the Examiner's assertion, there is no correspondence between the threshold and the capacity of the display.

While it is certainly true that once the number of input figures (i.e. digits) reaches 5, the apparatus switches to the facsimile mode, this does not read on a display in which the capacity of the screen in a copy mode is smaller than a display capacity of the screen in the display mode, as recited in Applicants claims. In the reference, there are discrete display screens for the copy mode as well as for the facsimile mode and the display capacity of each is not changeable.

The Examiner's citation of columns 6, line 45 through column 7, line 9 is noted but does not support the Examiner's assertion regarding the display capacity of the screen being smaller in a copy mode than in the facsimile mode. There is no teaching explicit, or implicit, regarding the display capacity of the screen in the two modes. This portion of the disclosure of the MATSUNAI reference clearly indicates that the threshold for changing from a copy mode to facsimile mode is five digits but it does not indicate that the display capacity of the screen is four digits.

The Examiner's interpretation of column 5, lines 26 through 29 is also submitted to be in error. The Examiner's interpretation of this portion of the disclosure is based upon the Examiner's erroneous interpretation of the previously discussed portion of the of MATSUNAI disclosure. Nevertheless, no portion of MATSUNAI discloses a display having a different capacity in the copy mode than in facsimile mode. In MATSUNAI changing modes is based on the number of digits input, but is not based on exceeding the capacity of the display screen.

Accordingly, Applicant respectfully submits that of all the claims in the present application are clearly patentable over the applied reference. An action to such effect is respectfully requested, in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended the independent claims to more clearly define features of Applicant's invention that were previously implicit in the claim language. Thus, Applicant's amendment does not further limit the claim and gives rise to no prosecution history estoppel.

Applicant has discussed the disclosure of the relied upon reference and pointed out the shortcomings thereof with respect to the presently pending claims. Applicant has further discussed the limitations of the claims and with respect to such limitations has noted the shortcomings of the reference with respect thereto. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect in due course.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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